

**REMARKS**

Applicants thank Examiner Le for her time and consideration of the present application during the telephonic interview of January 13, 2009 with the undersigned.

During the interview, the failings of TURNER were discussed. For example, TURNER fails to disclose or suggest a protective layer that is *entirely* composed of hydrocarbon chains R covalently bonded via the recited bond formula, and, instead, TURNER includes fatty acids and/or phosphate ions in the protective layer.

Examiner Le suggested amending claim 24 to clarify that the protective layer is *entirely* composed of hydrocarbon chains R covalently bonded via the recited bond formula, and stated that she would enter a reply after final rejection with such an amendment. Applicants thank Examiner Le for her suggestion.

Accordingly, this application is amended in a manner to place it in condition for allowance at the time of the next Official Action.

**Status of the Claims**

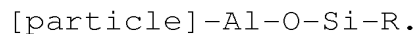
Claim 24 is amended. Support may be found, for example, at page 8, line 1-39 in light of the structure shown at line 1 of page 9.

Claims 24-31, 33-44 and 46 remain pending in the application.

**Claim Rejections-35 USC §102**

Claims 24-31 were rejected under 35 U.S.C. §102(b) as being anticipated by TURNER US 4,213,886 ("TURNER"). This rejection is respectfully traversed for the reasons below.

The claims are directed to a pigment composition comprising particles (p) based on aluminum metal. The particles (p) have a surface oxidation layer with a mean thickness at most equal to 5 nm, and the particles (p) are covered with a protective layer entirely composed of hydrocarbon chains R. The hydrocarbon chains R are bonded to the surface of the particles (p) via the bonds described in the following formula:



The claimed composition is devoid of the presence of any fatty acid or fatty acid salt. See independent claim 24.

TURNER was offered for teaching an aluminum flake coated with a silane, where the resulting bond is described as Al-O-Si-R, and the long chain organic acids R with phosphate ions. These flakes are commercial products, especially in the form of a paste (e.g., col. 2, lines 39-45).

At the time TURNER was published (1980), such commercially produced aluminium flakes systematically included fatty acids since they were obtained according to the "Hall" process (described in the last paragraph of page 1 of the present specification). The sole example of flakes disclosed by TURNER are so-called "Siberline SS-3/99 AR", which is obviously an

aluminum flakes composition wherein the flakes are treated with a fatty acid. In fact, TURNER seems to refer to Siberline SS E 3/99 AR, which is a composition wherein the flakes are treated by *oleic acid*.

It is clear that the treatment of such flakes, which initially include a fatty acid with a silane according to the process of TURNER, does not lead to the pigment composition according to claim 24 wherein the protective layer bonded to the particles is entirely composed of hydrocarbon chains R covalently, e.g., as illustrated by formula [particle]-Al-O-Si-R. On the contrary, a treatment of the commercial flakes as contemplated by TURNER leads to a layer surrounding the aluminum, which includes fatty acid. These fatty acids are not covalently bounded to the particles, and the presence of such fatty acids is explicitly excluded from claim 24.

The Official Action stated that TURNER indicates that the aluminium flakes may be treated by ammonium phosphate acid, which would lead to a displacement of long chain organic acids.

In this connection, however, TURNER fails to specify whether the treatment of the flakes with the phosphate is able, or not, to displace the whole quantity of fatty acid present on the surface of the flakes, which is probably not the case.

Thus, contrary to the assertion made in the Official Action, TURNER fails to disclose or suggest aluminum flakes

coated with a protective layer that are devoid of fatty acids or salts thereof.

Moreover, while TURNER may suggest that the fatty acids or salts thereof may be removed from the protective layer, TURNER solely suggests doing so by utilizing phosphate ions (which is not established). Should such a protective layer devoid of fatty acids be obtained when phosphate is used, it is clear that the resulting protective layer would still fail to be entirely composed of hydrocarbon chains covalently bonded to the particles, and, thus, TURNER fails to disclose the composition described in independent claim 24.

That is, in the specific embodiment of TURNER where phosphate is used, the phosphate, initially present on the particles, is necessarily present in the resulting protective layer. The process disclosed by TURNER systematically describes a protective layer which includes fatty acids and/or phosphate (the phosphate replacing all or part of the fatty acids as described in col. 5, lines 28-34).

On this basis, it is clear that the disclosure of TURNER does not anticipate independent claim 24, and claims 25-31 which depend therefrom.

Therefore, withdrawal of the rejection is respectfully requested.

**Claim Rejections-35 USC §103**

Claims 27 and 32-46 were rejected under 35 USC 103(a) as being unpatentable over TURNER in view of either KARTON et al. US 5,531,930 ("KARTON") or HASHIZUME US 5,944,886 ("HASHIZUME"). This rejection is respectfully traversed.

TURNER was offered for the reasons discussed above.

KARTON was offered for teaching applying external pressure to aluminum flakes in order to reduce the amount of coat, as well as increase the bulk density of the final coated aluminum.

HASHIZUME was offered for teaching various mechanically deforming processes as conventional dispersion of aluminum flakes.

However, the possibility of obtaining the specific protective coating as defined independent claim 24, which is entirely and exclusively composed of covalently bounded hydrocarbon chains, clearly cannot be derived from TURNER, even taken in combination with KARTON and/or HASHIZUME.

Neither KARTON nor HASHIZUME discloses a composition as described by claim 24, e.g., with the recited formula.

Therefore, the proposed combination fails to render obvious the independent claim 24, or dependent claims 27 and 32-46, and withdrawal of the rejection is respectfully requested.

In view of the amendment to claim 24 and the foregoing remarks, this application is in condition for allowance at the

time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our credit card which is being paid online simultaneously herewith for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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